

## **REMARKS**

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed on June 13, 2007. Claims 1-31 are rejected. In this Amendment, claims 1, 2, 14, 17, 19, 23, 24 and 27 have been amended to further clarify existing claim limitations. No new matter has been added. No claims have been canceled. Therefore, claims 1-31 are presented for examination.

### **Allowed Subject Matter**

Applicants thank the Examiner for allowing claims 1-31.

### **Rejections under 35 U.S.C. § 112 First Paragraph**

Claims 1-13 and 17-31 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement.

The current Office Action states:

The applicant describes how a user is authenticated by the use of biometric data and on a record ID. However, the applicant does not describe the record ID being a random number.

(Office Action, 6/13/2007, page 4).

The applicant respectfully disagrees with the Office Action's assertion. The record ID (also referred to as the client ID; see specification, page 14, lines 10-11) is described as being a random value on page 14, lines 11-13 of the specification, in which the specification states, "for one embodiment, the client ID 515 is randomly generated at the time the client registers with the authentication server 220."

The current Office Action further states:

Also, the applicant does not describe determining if the user's authentication data matches a record ID (random number).

(Office Action, 6/13/2007, page 4).

Claims 1 and 7 have been amended to clarify that the authentication data is compared to stored data associated with the record ID. Therefore, the authentication server determines if the user's authentication data **matches stored data associated with the record ID**. Language supporting this limitation can be found on page 19, lines 12-19 of the specification.

Finally, the Office Action states:

The applicant has not shown how a biometric can be authenticated with a random value. One of ordinary skill in the art would not be able to determine how a biometric feature can be authenticated with a random number.

(Office Action, 6/13/2007, page 4).

Applicant would like to point out that neither claim 1 nor claim 17 recite the limitation of a biometric. Applicant will assume that Office Action is asserting that "applicant has not shown how a **user's authentication data** can be authenticated with a random value." As amended, claims 1 and 17 do not claim authenticating a user's authentication data with a random value. Instead, the claims recite, "determining if the user's authentication data matches **stored data associated with the record ID**." This language is explained in the specification with sufficient detail to enable one of ordinary skill in the art to practice the claimed invention. For a detailed description of one embodiment of the process of authentication, please see Figure 5 and page 14, line 7 to page 20, line 3.

One of ordinary skill in the art, when reading the specification, would be able to determine how a user's authentication data can be authenticated. Therefore, the applicant respectfully requests that Examiner remove his rejections to claims 1-13 and 17-31 under 35 U.S.C. § 112, first paragraph.

### **Rejections under 35 U.S.C. § 112 Second Paragraph**

Claims 1-31 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 14 were rejected for lack of antecedent basis for the limitation, “the user’s private key.” Claims 1 and 14 have been amended to recite “a user’s private key.” Thus the claims have been amended to provide proper antecedent basis.

For claims 1 and 17, Examiner stated that it is unclear to the Examiner how a record ID being a random number can be authenticated with the user authentication data. As discussed above with reference to the 35 U.S.C. § 112 First Paragraph rejection, claims 1 and 17 have been amended to recite, “determining if the user’s authentication data matches stored data associated with the record ID.”

Claim 2 was rejected for lack of antecedent basis for the limitation “the private key.” The claim has been amended to recite “the user's private key,” as introduced in claim 1, claim 2's parent claim. Therefore, proper antecedent basis is provided.

Claims 17, 19, 20 and 27 were rejected for lack of antecedent basis for the limitation “the client.” Claims 17, 19 and 27 have been amended to include proper antecedent basis. Claim 20 does not include the limitation “the client,” and provides proper antecedent basis for all recited limitations.

Claim 19 was rejected for failure to distinctly claim how a nonce gets to the client, and where the nonce is being generated. Claim 19 has been amended to recite, “a nonce generation logic in the authentication server to generate a nonce, and to send the nonce to the client, the nonce to be included with the user authentication data from the client.” Therefore, it should be

clear that the nonce generation logic is in the authentication server, and that the nonce is sent to the client. Support for this change can be found, for example, in the Specification at page 12, lines 3-6.

Claims 23 and 27 were rejected for lack of antecedent basis for the limitation, “the server.” Claims 23 and 27 have been amended to recite the limitation “the third party server” introduced in the parent claim 17. Therefore, proper antecedent basis is provided.

Claim 24 was rejected for lack of antecedent basis for the limitation, “the client’s authentication data.” Claim 24 has been amended to recite, “the authentication data,” as used in its parent claim, claim 17. Therefore, proper antecedent basis is provided.

#### **Objections to the Claims**

Claims 14 and 17 are objected to because of informalities identified as grammatical errors. The grammatical errors have been corrected.

### **Conclusion**

Accordingly, applicant respectfully requests the withdrawal of the rejections and submits that pending claims 1-31 are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Benjamin Kimes at (408) 720-8300.


### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

Dated: 9/11/07

  
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